

CITY OF WARREN  
PLANNING COMMISSION  
PUBLIC HEARING

Regular Meeting held on February 23<sup>rd</sup>, 2015 at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, February 23<sup>rd</sup>, 2015 at 7:00 p.m. in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners present:

Jocelyn Howard, Chair  
Edna Karpinski  
John Kupiec, Vice Chair  
Jason McClanahan, Secretary  
Charles J. Pryor  
Syed Rob  
Warren Smith, Assistant Secretary  
Nathan Vinson

Also present:

Ronald Wuerth - Planning Director  
Judy Hanna - Administrative Clerical Technician  
Michelle Katopodes - Planner I  
Caitlin Murphy - Assistant City Attorney  
Christine Laabs, Communications Department

1. CALL TO ORDER  
Secretary McClanahan called the meeting to order at 7:08 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL  
Chair Howard – We did receive notice that Commissioner Sullivan would not be available to be here this evening, I would need a motion to excuse her from tonight's session.

MOTION

A motion was made by Commissioner Rob to excuse Commissioner Sullivan, supported by Assistant Secretary Smith. A voice vote was taken and the motion carried unanimously.

4. APPROVAL OF THE AGENDAMOTION:

A motion was made by Secretary McClanahan to approve agenda, supported by Commissioner Smith. A voice vote was taken and the motion carried unanimously.

Chair Howard – Under New Business if we could add item 11c Budget Report by Mr. Ron Wuerth.

5. APPROVAL OF THE MINUTES – January 12<sup>th</sup> & February 9<sup>th</sup>, 2015MOTION:

A motion was made by Commissioner Vinson to approve the minutes, supported by Secretary McClanahan. A voice vote was taken and the motion carried unanimously.

6. PLANNING DIRECTOR'S REPORT

Mr. Ron Wuerth – Since the last Planning Commission Meeting I attended one DDA Meeting and I've have 11 request for various site plan reviews. I have met twice in regards to Iona Site Plan and the issues associated with that, once with the residents and once the representatives from Iona and we are trying to negotiate some things regarding that property.

Just to add one of the issues with site plan has to do with 10 Mile and Schoenherr that's the old Bi-County Hospital and it looks like that's going to be demolished we are looking at a shopping center there. Also I was part of a meeting with General Motors and the Mayor's Office. So with that I have presented the report, thank you.

7. PUBLIC HEARING ITEMS:

- A. REQUEST TO REZONE PROPERTY: Located on the east side of Ryan Road; approximately 521.96 feet south of Chicago Road; 31830 Ryan Road; from the present zoning classification R-1-C; One Family Residential District to O, Office District in Section 5; Brian Jilbert (Mohammad Qazi). **TABLED.**

MOTION:

A motion was made by Commissioner Vinson to remove from table, supported by Vice Chair Kupiec. A voice vote was taken and the motion carried unanimously.

PETITIONERS PORTION:

Mr. Jilbert – This is a follow up from the previous meeting where we tabled. Since the last meeting we have met with the community and reviewed the site plan. We have also met with the Warren Engineering and discussed the concerns that they had regarding the drainage on the site. As per the meeting we have revised a site plan, we have it listed as a property line study it's on the board right now.

What we have proposed here is that we add a row of evergreen trees about 10 feet across the back property line as well as a few shade trees in island parking lots that are located directly behind each of the houses. The parking area there has also be reduced for compact cars only and that is along the east side of the road and then also a portion along the north we are doing the same. The property that is in question right now for rezoning is actually the southern side of this property, approximately 40 feet. It has previously been recommended for the approval by the Planning Director Ron Wuerth.

Chair Howard – Mr. Secretary any correspondence?

Secretary McClanahan – I have a letter from Arnold Simku. Dear City of Warren Planning Commission and Mayor Fouts: The attached letter is self explanatory if there are any questions please call or write me. Thank you for your help and support.

Thank you and this Board for allowing us neighbors to speak we are the neighbors whose homes abut to Ciena's Healthcare, St. Anthony's Nursing Home. This Board's directive for us to meet with Ciena gave us an opportunity to meet with Ciena's Architect and Representative. From what transpired there it prompted us to meet among ourselves where it produced our conclusions described in this letter. First we see the expansion plans as drawn up in 2008 being the same building plans as being presented by Ciena Healthcare today in 2015. The big difference between the 2008 verse 2015 plan is that Ciena added an expanded parking lot, a poured cement 6 foot wall and removed today's existing greenbelt. Based on what Ciena presented then and now we find that their new expansion plans are not acceptable to any of us. Thus we bring the following recommendations for this board to consider.

1. Contractual Rezoning. Before this Board approves Ciena's residential rezoning petition, we as home owners and St. Anthony's neighbors recommend that this board gets Ciena to first get their building expansion plans approved by a contractual

Mary Clark CER-6819  
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rezoning agreement. This way there will not be any ambiguity or future plan changes without the City of Warren's approval. As proof for a need to have such a contractual rezoning agreement executed, here are reasons why this board needs to be aware of the following incidents:

2. Ciena's Offer to buy a Neighbor's Home: Two weeks ago an offer was made to buy one of our neighbor's properties whose home and lot back up to St. Anthony's parking lot. The called, told our neighbor that he represented St. Anthony's and they would put in a driveway leading out to Chicago Road. This would mean that the neighbors across of Chicago Road on the north side would be facing oncoming cars, trucks and emergency vehicles headlights at all hours of the day and night if a new driveway leading onto Chicago Road materialized. Such a new driveway would affect a City of Warren's designated historic home, the Beer's, as well as the homes on each side of them.
3. Strangers knocking on the back door: Another neighbor had on three different occasions' strangers from St. Anthony's come to their back door and knock. Strangers who were not welcomed, but nevertheless came and knocked. This doesn't convey a sense of concern for safety and tranquility so how would anyone on this Board like that situation happen to them.
4. Homeowner's recommendation to this Board: Ciena redesigned their currently planned 40 bed private room addition to be in harmony with the landscape of the resident's property and be in harmony of beautifying Warren. This should be done as follows.
5. Two story wing not a single story addition: Build a new 40 private room two story addition to the south side of the existing building. This new wing would mirror the wing that is already attached to the main building's north side. Have this new addition blend with the existing architecture and color where the entire new design would be an I-beam footprint. This will reduce the footprint size by approximately 50% and allow more parking on the newly required residential property on the south side. This is the parcel being asked to be rezoned. This also eliminates the need to expand the back parking lot.
6. New addition wing's footprint: Taking approximate measurements of the footprint for the new building, a footprint of 50' x 60' is required to accommodate 8 private rooms. Two stories of this sized footprint would have total of 16 rooms. Thus the south wing would only be 150' x 60' to have 40 private rooms where the first 50' would stretch from the front wall of the main entrance towards Ryan Road and the remaining 100' would go back to where the neighbor's backyards are located. Any new physical therapy room can be incorporated in the corner in the

back where the south wind and new wing attach. This type of plan would be least disruptive and most attractive.

7. New wing's impact on current parking lot: This two story versus one story I-beam wing design addition would provide ingress and egress to all vehicles without having to expand the current back of the building's parking lot. A parking lot where on Sunday, February 22<sup>nd</sup>, 2015 at 3:00 p.m. one of our neighbors walked St. Anthony's back parking lot and counted a total of only 37 vehicles parked. Sunday afternoon's are usually the heaviest visitor days in any nursing facility. The idea of needing to have more parking spaces based on more rooms added is questionable at best. This parking lot is never full so this Board shall see that the need for expanded larger parking lot is unnecessary.
8. Greenbelt: Continue to keep and add, where possible to the existing greenbelt without having to cut down scenic mature trees. This existing greenbelt provides a buffer and safety zone between the parking lot's curbs and the resident's backyards. This will reduce strangers intruding to our back doors and provide a safety zone to the families with disabilities and young children.
9. Poured concrete wall appearance and littering: We most adamantly do not want any 6' poured cement wall. The thought of a wall is not only ugly to look at but creates water drainage problems for neighbor's yards, debris and garbage tossed over from cars being parking by the current wall. Such as empty liquor bottles, fast food bags and containers. This garbage is already occurring to one of our neighbors and the Baptist Church where they have a wall like that proposed by Ciena.
10. Conclusion: The City of Warren desires to be a more beautiful city not uglier. A wall is simply ugly to look at, we do not need another Berlin Wall. We have butterfly gardens, received beautification awards, and honored by Mayor Jim Fouts and the City of Warren Garden Club. This is what the residents are doing so we ask that this Board to ask Ciena join us.

Sincerely, (Neighbors listed in alphabetical order).

Arthur and Mary Beer

Chris Bremer and Theodora Kalfa-Bremer

Bill and JoAnn Hutchinsen

John and Helen Larson

Kay Sunman and Nancy Roberts

Arnold and Donna Simkus

Rick and Linda Rice and Russell Rice

Mr. Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Joseph Hunt – I brought with me my Master Plan and noticed that the Master Planning section happens to be in planning section 1 of the City. This basically encompasses the northwest section of the City of which the proposed rezoning is located. Specially I had looked on the online data base regarding the property address in question this 31830 Ryan and I noticed that basically it's owned by St. Anthony's and the idea is that your looking potentially rezoning a residential piece of property into office. But that particular address happens to already have the land zoning code of office so I don't know if that's a typo or that this new particular piece of property has been incorporated. In listening to the residents letter regarding the actual St. Anthony's facility what they are doing is they are specially mentioning that the change of the residential the R-1-C into Office will conflict with the residential neighborhood. This goes back where the Master Plan of 1966 just talked about low density residential of 1600 acres, high density residential of only 31 acres and then it split the actually commercial industrial and open space usage.

The one thing that I do want to point out and I pointed this out previously regarding the potential property there at 13 Mile and Chicago Road regarding commercial residential land use transitions, this is in our policies plan of 1989 it's on page 25. So there is a mention here about commercial residential land use transitions because this appears to me to be a commercial residential land use transition right there in front of Ryan Road. It says that there are areas in Warren where inadequate transition exists between commercial areas and adjoining residential neighborhoods. Often the traffic noise and other activities of commercial areas spill over into the residential environment and make it less desirable.

So basically what it really comes down to and this is the policy that was brought up in 1989 is that the Warren Planning Commission through the use of effective zoning controls and the site plan review process should carefully monitor the relationship of commercial areas to the adjoining residential neighborhoods. In older areas of the city particular attention should be paid to the creation of effective transitions or buffers between the commercial areas and the adjoining residential neighborhoods. As I heard from the letter that Mr. McClanahan had read that there's a significant amount of resistance by those residence in that neighborhood against the proposed rezoning. So basically based upon the letter that was read and the 1989 policies plan I would be against this rezoning.

Mr. Arnold Simkus – I'm the gentleman that put together that letter and it was based on the homeowners getting together to make the

statements that we did. I appreciate the public reading of it where I didn't have to read it. Rick Rice and his wife Linda cannot speak they are the family that has the disability so I stand as a co-chair with Russ Rice that's why we are concerned about how close everything gets. We appreciate the architects going through making the added green space but the greenbelt is nowhere near what we are really asking.

What I'd like to submit for the record and actually have the Board of Commissioners have is a copy of all the drawings that we've seen both the architectural drawings and the hand drawings. This is probably the most accurate vivid description of what the property looks like today from Zillow Property. If you look at the north wing that exist today and if you were to look at them duplicating that on the south side of the building as it is right now I think you'll find that it just seems so logical and reasonable to be able to add the wing to that south side that gives them the 40 private beds. We think that would be perfect they wouldn't have to change the greenbelt they don't have to take down the big beautiful trees that have been growing there for a number of years. I think it would be a perfect solution to this conflict. We know they need the room we are not against the development we just want them to modify the design as it stands and that's what I'd like to submit as the only addition to what we submitted to the Board.

Mr. Russell Rice – I'm here as an advocate for my brother Rick and my sister in law Linda who live at 33731 Norrid Circle. Thank you to the Board, the City Planner, and the audience. In brief I'd like to recap the position of this development from my brother and sister in laws perspective. Up until this evening the drawings that have been shared with us have only shown a 6 foot wall and parking within 20 feet of Rich and Linda's bedroom. The drawing shown is very nice it's truly inadequate for the entire east, south, and north property borders of this particular development. I share with you a picture of a development at 13 Mile and Ryan which shows what in the perspective of my brother and sister in law would be a perfect example of the type of development that the architect should bring forward, from a design standpoint, to the City Planner as an appropriate greenbelt for this particular development.

The plans as we've seen them this far, even though there has been some relief although very minimal, are intrusive. An alternative design should be submitted and shared with the city and the neighbors prior to any recommendation approved with rezoning. The petitioner is here to show us some designs and asking for a favor from the Planning Commission to rezone some property that's

already R-1-C. They are asking a favor of the city, the city on behalf of its neighbors should be asking for a favor back and that is for a proper redesign. The redesign reconsiderations that should be brought forth are number one, parking. The ratio of the number of spaces on this lot there's 40 spaces open in that drawing that aren't even being used today. Your city requirements are one space for every three beds they are asking for 40 more beds they really only need to be adding 14 more spaces. In addition to that there should be one space for every four employees as of today we don't know how many new employees so let's say they add 20 more employees that's five more spaces now we're up to 19.

Then the last is we need to have one permanent space for each staff or permanent doctor on site of which we don't know. Back in 2008 when the drawings were submitted before the Planning Commission at that time the drawings for the site plan were overbuilt by 34 spaces. So I ask that the city look into the parking ratios, the location, the screening, and of course the noise. Number two traffic patterns with the additional number of people not only will there be workers and visitors there will also be delivery trucks. And the volume and the near proximity of those vehicles if you look at this plan will be within 20 feet of that property line.

Lastly safety, I think it has become the responsibility of the petitioner to bring forth to this Planning Commission and to the city their proposed set of ideas to ensure safety 24/7. It was pointed out in Mr. Simkus's letter on behalf of the neighbors that there have been issues in the past and as of today no ideas relative to safety have been brought forward. There are elements of this plan that are good but this Board, particular Commissioner Rob and Chair, made it very clear the entire project needs to be displayed before acting on the rezoning. It was very clear at the last meeting that was their direction. One thing that they've done since the last meeting is that they've met with the neighbors once. Before this evening and seeing it on the board the neighbors never saw a redesign or even had correspondence with them relative to that redesign.

I would take some actions on this application and I think it should be a conditional request for rezoning. I think it would be in the best interest of the petitioner to do so to have harmony with the neighborhood. This project sat dormant for more than six years the reason for delay is not important, but let the record show that it hasn't been because of lack of funds. Ciena has had significant growth since 2006 and has borrowed in the tens of millions of dollars to expand to 34 facilities around the country it's the largest privately held healthcare assisted living and nursing centers in the United

States. My questions are, are they pushing this project because their certifications that have been approved by the State of Michigan are about to expire, we don't know.

Please don't let timing of a project that sat dormant for six years be the reason to push forward on this plan.

In closing I'd like to quote from the City of Warren website, the Planning Commission by-laws under purpose section 1.1. The purpose of the Warren Planning Commission shall be to accomplish a coordinated, adjusted and harmonious development of the City of Warren and its environment which will in accordance with the present and future needs best promote health, safety, order, convenience, prosperity, general welfare, as well as efficiency and economy in the process of the development. The question by my brother and sister in-law and the other neighbors before you is. Before you go to the final stages with the owners of the St. Anthony's Healthcare consider will this bring health, safety, order, convenience, prosperity and general welfare to the neighbors who will be most impacted by this expansion. We truly believe that the Planning Commission and the Planning Department has the authority to ensure that the final design will allow that all the parties' interest will be served.

Ms. Kelly Colegio – Good evening on this freezing cold night Planning Commission. I myself after hearing the residences concerns and having driven over to the site today I think this would be a perfect place for a contractual rezoning. Where some things could be put in place before the rezoning even occurs to ensure that the residence can have a harmonious relationship with the business abutting within 20 feet of their home. I'm concerned that the residence really didn't get time to look at the new site plan before this evening so they could give their thoughts on it. I'm still waiting myself for the results from the Engineering Department regarding the flooding. I did stop by there today and I should be receiving that shortly. I would strongly suggest a contractual rezoning before this ever even comes before Council. Thank you.

MOTION:

A motion was made by Assistant Secretary Smith to approve, supported by Commissioner Pryor.

COMMISSIONERS PORTION:

Assistant Secretary Smith – I'm looking at all the concerns I missed the last meeting but I was able to watch it on the Warren channel. I understand the concerns of the citizens and I understand some of

the thoughts that they brought up as far possibly redesigning the building. Even though this is not dealing with the site plan approval at this particular time where changes can be made I think maybe possibly go with the conditional rezoning. Where the residence and the owner can get together to make sure things do get in place to benefit both parties.

Ms. Caitlin Murphy – I think we talked about it last time, but I just wanted to reiterate it the conditional rezoning does have to come from the petitioner. So what's in front of you right now is just the rezoning. The petitioner would have to come forward with a conditional rezoning, we can't ask them to do that.

Secretary McClanahan – I would make a motion to table until the petitioner comes back with a conditional rezoning.

Chair Howard – Let's just open the floor for a little bit of discussion and then we'll see what we need to do because I think we are going to have several options before us. Thank you so much Secretary McClanahan, we will definitely look at that.

Vice Chair Kupiec – The letter that was read tonight was the first I've heard of it, I haven't seen it in my packet or did I hear of the letter obviously its news to all of us. It's a lot to comprehend in a short period of time and make a decision on. Plus the fact you offered the petitioner to speak again and we haven't done that, so I'd like to reserve my comments for now but I'm in favor of tabling at this point.

Chair Howard – To the petitioner you've been trying to share some things with us sir and we do have a couple of questions that we do want to ask you, come forward sir. Let me just pose a question, we did share with you that we wanted you to speak to the residence regarding the green space. We are not here to look at your site plan we are definitely looking at just the rezoning, but that is something that is going to encompass our duties as well. So if you could speak to your outcome with the residence sir.

Mr. Brian Jilbert – I was not able to attend the meeting with the residence however Principle in charge was as well as Ciena's staff. At that meeting it was discussed about removing the wall which we have removed. We've created a 10 foot tall evergreen screen around it. We are also keeping the residences fences that are currently there we are not affecting those at all, we've pulled the parking back from what was, five feet to seven. We've incorporated islands with shade trees as well as pine bark mulch so there's no longer a wall there so there shouldn't be any concerns with the

drainage issues along the property line. I also wanted to mention that we are indeed talking about the 38 foot wide parcel which runs along the south boarder and is not the actual full project at this time. The actual site plan will have to go through full site plan review and analysis.

I'd also like to address that we currently have about 125 employees looking to expand right now to somewhere around 135 to 140. With the addition coming up that will add about another 30 employees to the property. We have somewhere around 55 to 60 employees at a shift change plus any residence that would be on site. I think we've made some attempts here addressing the needs of the residence on our property border. I do not know of any at this time purchase agreements made or anything addressing any type of a road going out to Chicago it's not included in this plan and nor is it anything that our office has worked on.

Chair Howard – Let me just pose a couple of things. I was at the facility on Sunday wanted to see it on a Sunday when it's usually the busiest. And then you have the Church that's right there on Chicago as well as the strip mall there so there are some encumbering of already six foot walls there. Then you have that open green space which is absolutely beautiful and I understand the residence concern there by keeping that there.

What we have before us is definitely a quandary because we understand your expansion, we understand that you are looking to expand, but also that 20 feet is a little bit tight. So what we have before us is one type of rezoning based on that sir it's a little difficult for me to approve that type of rezoning. Just because of the safety, the health and the welfare. I was there on a Sunday afternoon it was 20 degrees it was cold, however when the spring time comes how many cars will actually be there and family members and I think that is a reason for concern. I also have not received the report from engineering as well, so I don't know anything about the flooding which I think is a valid concern. At this point I can't approve it based on the conditions that we have right now. I haven't seen your site plan, but this type of rezoning I think is a little problematic.

Vice Chair Kupiec – In view of everything that was put forth to us tonight that was new and some of the allegations, suggestions and recommendations that were made I would be in favor of tabling this until we can further look into it and maybe discuss this with our Planning Direct.

Secretary McClanahan – I don't know if all the residence have seen this plan. It does take the wall out and we do feel like it's a little tight on the greenbelt we do appreciate what you are doing in the city we are not trying to stifle your growth but we do want to make sure everyone is happy so I would make the motion to table.

Chair Howard – I would suggest sir that you have a conversation with Mr. Wuerth where all of the stipulations can be properly presented to this body. I don't think the residences are trying to stifle your growth I think there just needs to be some provisions provided. If they were opposing you I don't think that we would be having this discussion we are just trying to find an amicable solution to this very unique situation. That was a motion by Secretary McClanahan to table that was initially a motion by Assistant Secretary Smith, supported by Commissioner Pryor, will you support the table sir?

Assistant Secretary Smith – Yes.

Commissioner Pryor – Yes.

Chair Howard – We are going to table to a date certain our next date is March 9<sup>th</sup> so have a conversation with Mr. Wuerth perhaps provide some provisions and then come back to this commission with something that we believe is workable. That was a motion by Assistant Secretary Smith, supported by Commissioner Pryor to table to March 9<sup>th</sup>.

ROLL CALL:

The motion carried unanimously as follows:

Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes

- B. SITE PLAN FOR EXISTING OPEN STORAGE: Located on the west side of Mound Road, approximately 153.73 feet south of Ten Mile Road; 24895 Mound Road; Section 29; Ronald Lomasney (Kerm Billette). **TABLED.**

**PETITIONERS PORTION:**

Mr. Kerm Billette – I'm here with Mr. Lomasney to gain approval of the Planning Commission for a site plan for his property on Mound Road just south of 10 Mile. I met with Mr. Wuerth on the items in here and I agree that there's some conditions that should be attached to the approval. One is the lease on the data chart that will be modified and changed the way he wants it. I've already placed on the site plan an extra handicap parking space, there's two of them in the front and I think they are both satisfactory. The barb wire does not exist on the site it's been removed. The standards and the barb wire both have been removed all the way to west on the north side and I believe some of those belong to the people on the north but it was removed any. The word future has been removed from the site plan. As far as the trash bin the trash bin will be stored inside the building in an area where there's a 10 foot by 12 foot overhead door it's easy to get the trash bin in and out. The AT&T take the responsibility to pave the driveway from the back area up to the tower. The petitioner has provided on the site plan the rental agreement, which is between Mr. Lomasney and Matthew Dahl of N&B Demolition. The west portion of the property will be noted with the approval of the Board of Appeals, which has already approved it with the square footage and the type of storages out there. I believe it's like front end loaders, tractors and gravel trains all demolition equipment that will be put on the site plan as requested.

We have eliminated the gate between the properties, it's not necessary it's was only put there for emergency purposes. Mr. Lomasney has decided to eliminate the gate which will not require any agreement cross access between the properties it would just be eliminated. The amount of bond should be reduced from \$750 should be reduced to a new figure because there won't be that much improvement on the property.

Secretary McClanahan reads the correspondence as follows:

**TAXES:** No Delinquent Taxes.

**DTE:** DTE has no objection to the open storage, however with a restriction that the storage unit should be no closer than 15 feet in width from the existing overhead primary cables located on the property.

**ENGINEERING:** Preliminary review of this site yielded the following comments:

1. The plan shall indicated all existing and proposed utilities.
2. A system of drainage shall be provided. Detention may be required.

3. The plan shall indicate where the open storage area will be located.
4. Any improvements in the Mound Road right-of-way are subject to the approval of the Macomb County Department of Roads.

**FIRE:** Approved.

**ZONING:** The following violations were observed on December 16, 2014.

1. Unlawful storage of junk/trash/debris.
2. Off-street parking on a non-hard surface without a variance.
3. Barbwire on fence without a variance
4. Storage of unlicensed/inoperable vehicles.

Chair Howard – Let me apologize this was a tabled item we need to remove this from the table.

**MOTION:**

A motion was made by Assistant Secretary Smith to remove from the table, supported by Commissioner Rob. A voice vote was taken and the motion carried unanimously.

Mr. Wuerth reads the recommendation of the Staff:

The bond should be \$350.00 cash bond to cover the changes.

Mr. Kerm Billette – I have one recommendation that Ron might want, to put the note in there about the outside trash storage. The future outside trash storage is a standard note you might want to put that back on the drawing in case he does put a trash container on the outside of the building.

Mr. Wuerth – That's part of the recommendation.

**PUBLIC HEARING:**

Mr. Joseph Hunt – On this site plan for the existing open storage I'm fully behind it and strongly recommend it. This happens to be according to the Master Plan in planning area 3 it basically shows over four square miles. This is along Mound Road the property itself is almost two acres and the land value is \$141,000.00 dollars. I believe the petitioner paid \$127,000.00 dollars in taxes last year and basically because this is zoned M2 and it's a fine area of the City I feel that this open storage would benefit the area and I'm fully behind it.

**MOTION:**

A motion was made by Secretary McClanahan to approve, supported by Commissioner Vinson.

COMMISSIONERS PORTION:

Assistant Secretary Smith – I went by the property this morning I noticed that there was a dumpster on the side of the building I don't know how many yards it is and is it permanent?

Mr. Ron Lomasney – It was a 20 yard box the plumbing company put in there to clean the inside of their building, it's been there probably two weeks, it's not permanent.

Assistant Secretary Smith – You said the new dumpster for the trash is going to be inside one of the buildings?

Mr. Ron Lomasney – I want to tell you that we recycle everything my daughter got me doing that and we feel pretty good about it. We keep it all inside we have different bins we recycle everything and the City of Warren helps with that so we don't really have any garbage. All the barbed wire has been removed, the hangers have been sawed off so there is no more barbed wire or hangers.

Assistant Secretary Smith – What about the debris from the other tenants in the complex what do they do with their garbage?

Mr. Ron Lomasney – They are all recycling also the plumbing company was keeping it inside and that's why they had that dumpster there, they don't have a box as of today and if they do we will have to put a wall around it.

Commissioner Rob – So were you able to get that ingress/egress agreement with the property owner on the south?

Mr. Ron Lomasney – Well I understand that if we don't need to access that property we won't have to have ingress/egress and they won't be able to come onto the east side of the property the fence won't have a gate in it any longer.

Mr. Kerm Billette – There's no gate on the south side.

Mr. Wuerth – They are absolutely correct in the fact that there won't be cross over between Mr. Lomasney property as it will be in his use there's no gate so they won't be going back and forth. The problem is that he still owns the property there's still the people from the south, the abutting persons, will be crossing the property to get back and forth so there still is cross over ingress/egress. I'm not that well versed on these lease agreements, but we typically ask for it to be a recorded document. In a case like this anytime they are crossing a property line and they still are crossing a property line here.

Commissioner Rob – So are we waiving that one?

Mr. Wuerth – Well they put it on the site plan, I'm saying it's got to be a recorded document so I guess it will be based on what the Planning Commission is hearing here now and need to make a choice and a decision as to what you'd like to do.

Commissioner Rob – How much will the project cost so we can put a bond amount on it. If we are not removing the conditions then he has to come up with the documents and that has to be an agreement with the owner of the south property. I think the owner of the south property might be here.

Chair Howard – Sir are you an owner or part of the petition?

Mr. Matthew Dahl – I own the property and I run the property at N&B Demolitions. Mr. Lomasney has taken the fence down and the entrance will be through I believe 24895 instead of 24815 which is me. Whether I rent it or not we will still be entering through his entrance that's why it's on his site plan, we are not going to be entering my property to go onto it they took the gate down so we don't need to do that.

Commissioner Rob – So you're in full agreement with the petitioner with the ingress/egress?

Mr. Matthew Dahl – Yes I am, he's taken the fence down so we can enter through his property now. Mr. Wuerth's concern is leasing from me to have that permanent access, I seen the point of it when the fence was up but there's no point now that the fence is down.

Chair Howard – Mr. Wuerth are you satisfied with this?

Mr. Wuerth – Based on what they said certainly.

Chair Howard – Alright so should we remove item number 2 from the recommendation sir?

Mr. Wuerth – Remove item number 2.

Vice Chair Kupiec – Madame Chair, I'd like for you to consider the recommendation of \$350.00 dollar cash bond.

Secretary McClanahan – I will accept all the changes yes.

Commissioner Vinson – I agree.

Chair Howard – We have item number 2 being removed and we have the \$350.00 cash bond, Mr. Secretary roll call.

ROLL CALL:

The motion carried unanimously as follows:

Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Vice Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes

- C. SITE PLAN FOR CO-LOCATION OF ANTENNAS AND EQUIPMENT SHELTER TO EXISTING TELECOMMUNICATIONS FACILITY: Located approximately 897 feet south of Thirteen Mile Road and approximately 360 ft. east of Ryan Road; 4280 Thirteen Mile Road; Section 8; AT&T (Anthony Amine). **TABLED.**

Secretary McClanahan – I have a letter here and this has been withdrawn. Pursuant to my receipt of the fax and our conversation today, please allow this email to service as AT&T’s request to withdraw this application. Please confirm this is complete for your purpose or advise us of what other additional information is needed. Thank you for your consideration in this matter. Anthony Amine.

MOTION:

A motion was made by Commissioner Rob to receive and file, supported by Commissioner Pryor. A voice vote was taken and the motion carried unanimously.

- D. SITE PLAN FOR OUTDOOR STORAGE OF SEMI-TRUCKS AND TRAILERS: Located on the west side of Edom Avenue, 150 feet north of Groesbeck Highway; 21329 Edom; Section 35; Asim Cehajic (Kerm Billette). **TABLED.**

MOTION:

A motion was made by Commissioner Rob to remove from table, supported by Commissioner Vinson. A voice vote was taken and the motion carried unanimously.

PETITIONERS PORTION:

Mr. Kerm Billette – I have the petition here from Mr. Cehajic to approve the storage of, I believe, 10 vehicles on the property approved by the Board of Appeals. With conditions that he store no more than 10 trailers on the vacant piece of property and that he does not do any repair work on any vehicles there. I think the other condition that they mentioned at the meeting was to make sure that the property was leveled. He has permission to park on gravel and that it be a 10 feet away from the alley and utility lines on the west side of the property.

One thing was added on here that I think is beneficial to the owner and the property itself. That he provide bumper blocks on there and these are the extremely large bumper blocks I believe they are 16 feet wide 12 inches high and they weigh 1400 pounds these are put up against the tires of the tractor trailers to make sure they don't go over the property lines or go into the alley line. Mr. Cehajic is requesting that the Planning Commission approve the layout for the property of 10 parking spaces to be on gravel. I believe that Mr. Wuerth has some conditions that apply to the property.

Secretary McClanahan reads the correspondence as follows:

**TAXES:** No Delinquent Taxes.

**ZONING:** The following items were observed:

1. The entire lot is dirt and some gravel with low areas with standing water.
2. The lot has weeds and overgrown vegetation.
3. The property currently has junk and debris.

**ENGINEERING:** Preliminary review of this site yielded the following comments:

1. All parking area shall be hard surfaced with concrete curb and gutter unless a variance is obtained.
2. The address shall be revised to 21329 Edom.
3. Indicate all proposed and existing utilities.
4. A system of drainage shall be provided. Detention may be required.

**DTE:** DTE Electric Company has no objection to the outdoor storage as long as the outdoor storage is no closer than 10 feet from north-south going to DTE power line on the west side of property.

**FIRE:** This department has determined the following provisions will be required:

1. Maintain Fire Department apparatus access roads. Access roads must have a minimum width of 20 feet and a minimum vertical clearance of 13 feet 6 inches.

2. Fire apparatus access roads must extend to within 150 feet of all portions of outdoor storage areas.

**MDOT:** Approved.

Mr. Wuerth reads the recommendation of the Staff:

MOTION:

A motion was made by Commissioner Rob to approve, supported by Assistant Secretary Smith.

COMMISSIONERS PORTION:

Commissioner Rob – It usually doesn't happen that you reduce the bond amount so I'm wondering will that be enough.

Mr. Wuerth – Well I don't know what the estimate would be for drainage I'm not sure what they already have on the site if they have catch basins that takes care of the drainage problem other than that that's all we need to see at this point as far as a bond. I think we can check it during the summer make sure it's grated well and maintained if that happens then they get their bond back.

Commissioner Rob – It's not that much work so how long for the completion?

Mr. Kerm Billette – I believe the bond is for two years.

Commissioner Rob – I still think \$150.00 dollars is low maybe somewhere in the middle like \$400.00.

Chair Howard – You're asking for an increase to \$400.00 dollars.

Commissioner Rob – It is already \$750.00 and the Planning Director is recommending \$150.00 I'm saying \$400.00.

Chair Howard – Currently the bond is \$150.00 and you're asking it to be elevated to \$400.00 dollars, correct Commissioner Rob is that your request?

Commissioner Rob – No I think the bond is \$750.00

Chair Howard – Underneath there is an additional note that Mr. Wuerth is indicating that the bond was actually too high.

Commissioner Rob – Okay I'm putting the bond down to \$400.00.

Chair Howard – Assistant Secretary Smith do you agree?

Assistant Secretary Smith – I’m really not sure because I don’t know what improvements need to be made. Mr. Wuerth had stated \$5000.00 dollars.

Commissioner Rob – Let me clarify, Mr. Wuerth is saying it should be less not higher.

Assistant Secretary Smith – Right but you’re saying you want it higher.

Commissioner Rob – Yes because there’s still the drainage and other issues there, so instead of reducing it from \$750.00 to \$150.00 I’m trying to go to the middle with \$400.00.

Assistant Secretary Smith – Commissioner Rob wants to raise it to \$400.00 because of the internal draining system, which were really not sure about at this time right?

Mr. Wuerth – That’s correct.

Assistant Secretary Smith – So if for some reason the internal draining system is fine then he would get that portion back.

Mr. Wuerth – Yes it would go back to him.

Assistant Secretary Smith – Alright I’ll support Commissioner Rob.

Chair Howard – Alright so we are going to modify the bond from \$150.00 to \$400.00 dollars.

ROLL CALL:

The motion carried unanimously as follows:

Commissioner Rob.....	Yes
Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	No
Because I feel that the bond is too high	
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes

- E. REQUEST TO REZONE PROPERTY: Located on the northwest corner of Groesbeck Highway and Nine Mile Road; from the present zoning classification M-2; Medium Light Industrial District to M-3,

Medium Heavy Industrial District; 23055 Groesbeck; Section 26;  
Michael Solar, Warren Eastside Concrete (Robert Tobin).

COMMISSIONERS PORTION:

Mr. Robert Tobin – The existing property consist of a large parcel of 12.47 acres. For many years it was a concrete batching plant. In 2009 the present owner bought the property and continues to operate it as a concrete batching plant. They began to renovate this site when they occupied the site. They tore down the old existing building at the corner of 9 Mile and Groesbeck. They renovated the existing office building and they paved a new parking lot. With the most positive expenditure that they accomplished was a new 700 linear foot long berm along 9 Mile and Groesbeck. They put this 700 linear foot berm along Groesbeck its 15 feet high so it hides just about everything on the site. They spent \$220,000.00 dollars to accomplish that berm. If you drive by it you'll see that it really does hide the site. They also installed a new dust collector system which gave it a significant recognition from the Michigan DEQ. They have constantly made efforts and expenditures to work with the City of Warren to upgrade the site and meet all the codes and ordinances.

However, the site is zoned M2 and M2 is nonconforming for a concrete batching plant. That's what we are asking for tonight by the way the rezoning will not impact the existing zoning of the surrounding properties as they are all M2 or M3. So this 12 acre site is completely surrounded by M2 and M3 zonings. The rezoning will not impact the existing zoning of the surrounding properties as they are all M2 zoning along the Groesbeck Industrial Corridor. We are here tonight to request the removal of the nonconforming M2 zoning and bring the site up to its proper M3 zoning. I did pass out an article from the Plant Manager if you get a chance to read it.

Chair Howard – Yes thank you Mr. Tobin we do have that.

Secretary McClanahan reads the correspondence as follows:

**TAXES:** No Delinquent Taxes.

Mr. Wuerth reads the recommendation of the Staff:

Chair Howard – Mr. Secretary we did receive a letter from Mr. Solar if you would just read that into the record please.

Secretary McClanahan – Planning Commission Members, I am Michael Solar the Plant Manager and Business Unit Leader for Warren Eastside Concrete located at 23055 Groesbeck Highway.

Mary Clark CER-6819  
February 23rd, 2015

Please excuse my absence as the rescheduling of this meeting conflicted with a prior commitment that I am unable to change. I feel confident Mr. Tobin will be able to answer your questions and address any concerns.

We have made substantial investments in site improvements particularly in the areas of landscaping, building demolition and removal. Our Plant was selected in 2014 as a success story by the Michigan DEQ for our efforts in dust control and facility maintenance. I was requested to give a presentation at their annual training seminar on the methods we continue to employ.

As part of our ongoing efforts to improve our facility and presence in the Warren Community we discovered that site was deemed nonconforming. Historically our location has been used to produce ready mix concrete. Ready mix concrete production is our sole business and we intend to continue that process.

I sought guidance from Mr. Ron Wuerth as to the proper zoning requirements and the procedures necessary to correct it. We were informed that the correct zoning for our site should be M3, Medium Heavy Industrial instead of our current M2, Medium Light Industrial zoning.

On par with our desire to continue to be a successful employer and business with the City of Warren it is our commitment to meet or exceed all expectations and regulations of the City, State and Federal Governmental agencies, this is why we are here before you today and we thank you for considering our request.

Sincerely, Michael Solar, Plant Manager, Business Unit Leader – Warren Eastside Concrete.

PUBLIC HEARING:

Mr. Joseph Hunt – This happens to be down in the City of Warren political district 3. I've been by this intersection frequently during my trips around the city and I have to admit that I'm very impressed with the improvements that have been made to the property since 2011. Basically I full recommend the change from M2 to M3 only because I always stress the revitalization of the Industrial Development Corridor, which is Groesbeck Highway. I think that this is relatively important since the owner is making this investment and is probably going to create substantial investment into the future especially because this is in the south side of the city. The only thing I will remark about the property is the last time I was by on foot I didn't notice if there was a city sidewalk and if not why.

Mary Clark CER-6819  
February 23rd, 2015

MOTION:

A motion was made by Secretary McClanahan to approve, supported by Vice Chair Kupiec.

COMMISSIONER PORTION:

Commissioner Pryor – I would like to clarify the boundary changes I didn't understand whether that's going to be a problem is there something that has to be moved?

Mr. Wuerth – I think Commissioner Pryor is referring to the setbacks on the property and about whether those items that I mentioned the fuel pumps, the cell tower, the hopper and the slug pot whether they'd have to be moved or not. I guess they could be moved but if they just stay where there at they are considered legal nonconforming uses in their location. Judging from the site itself and where things are it really isn't going to matter much they can move all of the items, the most expensive one being the cell tower, to make sure it's conforming but they do not have to.

Commissioner Pryor – Because the property isn't very wide it seems.

Mr. Wuerth – Well you have the 150 foot setback along the roadways and then it goes 60 feet along the railroad track and the other property line where the old lumber yard was at.

Commissioner Pryor – I just wanted to make sure it wasn't impairment to the owner.

Mr. Wuerth – I don't believe it's going to bother or hurt his business at all.

Vice Chair Kupiec – I'd just like to make a comment that I watched this property for five or six years now and I've seen a significant improvement in it from where it started to where it's at today. I think they are putting forth a very good effort and I respect that. I'm glad to have them as a resident of the city.

ROLL CALL:

The motion carried unanimously as follows:

Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes

Assistant Secretary Smith..... Yes  
 Commissioner Vinson..... Yes  
 Chair Howard..... Yes  
 Commissioner Karpinski..... Yes  
 Vice Chair Kupiec..... Yes

F. SITE PLAN FOR NEW COMMUNITY SERVICE FACILITY:  
 Located on the southeast corner of Twelve Mile Road and Universal Drive; 2446 Twelve Mile; Section 18; Anton Yousef Kosho (Ronald Kachman). **Rescheduled from 2-2-15.**

PETITIONERS PORTION:

Mr. Ronald Kachman – My client has purchased the property which was the old Key Oldsmobile Center and he’s starting to develop it. He has a tenant that wants to move into that old sales new cars sales building and they want to have a community service facility there. It’s a Muslim Community Center and they will help school some of the people in their congregation to learn to read and teach them the religion inside that facility. All they would be really using is the building itself as it is with the back portion of the building will be used as the educational area and they will have seminars out in front teaching the people. So it’s going to be used as a general service of the community.

Secretary McClanahan reads the correspondence as follows:

**TAXES:** No Delinquent Taxes.

**DTE:** Approved.

**ZONING:** The following items do not comply with the Zoning Ordinances as follows:

Section 5.11 Paragraph 5: That a six (6) foot wall or eight (8) foot greenbelt pursuant to Section 2.26 of this Ordinance, be provided where the site abuts a residential district or residential use or is adjacent to an alley which abuts a residential district or residential use.

Section 5.11 Paragraph (9): Every building shall have two (2) side yards of not less than twenty (20) feet each.

**FIRE:** The following provisions will be required.

1. Must meet the requirements of the 2012 Edition of the Michigan Building Code for an A-3 use group.
2. As required by the Building Code for an A-3 use group with an occupant load exceeding 300 persons, the building must be equipped throughout with an automatic sprinkler system in

accordance with NFPA 13. Fire Department Connection threads shall be National Standard type and a fire hydrant shall be provided within 150 feet of the Fire Department Connection.

3. Maintain existing Fire Department access roads. Fire apparatus access roads must have a minimum width of 20 feet and a minimum vertical clearance of 13 feet 6 inches.
4. Provide fire alarm system as required by code.
5. Provide Fire Department lock box (Knox Box) as required by local ordinance.

**ENGINEERING:** Preliminary review yielded the following:

1. A private street is presently being used as the sole access to this parcel (Universal Drive). An access agreement must be submitted for use of this private street.
2. Indicate all proposed and existing utilities.
3. A system of internal drainage shall be provided. Detention may be required.
4. Any improvements in the Twelve Mile Road right-of-way are subject to approval by the Macomb County Department of Roads.

Mr. Wuerth reads the recommendations of the Staff:

I'm going to add a new item 3 – A private street is presently being used as the sole access to this parcel Universal Drive an access agreement must be submitted for use of this private street. And that will be the usual form reviewed by the Attorney's Office and recorded. So number 3 will now be number 4.

#### PUBLIC HEARING

Mr. Joseph Hunt – I'm very familiar with the property I know that there are many people in the city that were very tired of looking at that vacant dilapidated property that sat between St. Louise Church and the Universal Mall. I guess the request itself is the use of a commercial services facility and I'm very curious on exactly which group that is that will be occupying the facility for the educational purposes. The reason I mention that is because we already have quite the community there at 12 and Ryan, The Islamic Organization of North America who I support in many ways and I'm just very curious if the group that's going to be moving in there is basically a 501C3 organization and on whether or not there would be any religious services performed there. I've always said something is better than nothing and that land was vacant for a long time. Because this is going to be a community service facility I guess my question is which organization is it do they have a 501C3 license and is this going to be just a lease or leased to own. I grew up in that area went to church at St. Louise if proper notification went out to all the property owners and no one shows up to say no I'm all for

it. The question I have regarding the 501C3 is on whether or not there's going to be any exception from taxes, but development is underway at that area and I think that's great.

MOTION:

A motion was made by Commissioner Rob to approve, supported by Vice Chair Kupiece.

COMMISSIONERS PORTION:

Commissioner Rob – So your recommendation of number two is addressing the zoning 5.11 paragraph 5 am I right?

Mr. Wuerth – Yes.

Commissioner Rob – I think the bond amount needs to be increased but I'll wait for other Commissioners to speak.

Assistant Secretary Smith – It says on the site plan that the lower level or basement shall not be used for any activities nor any storage or materials, is there reasoning behind that?

Mr. Wuerth – The basement area cannot be usedm if it is used then they will have to provide an elevator and secondly they'll have to provide additional parking. So typically in situations like this it's not been designated and we have to make it very clear how they are supposed to use that. Other than if that's where mechanical department is they have otherwise it cannot be used.

Assistant Secretary Smith – What's the capacity of people that you figure you'd have in there at any one time?

Mr. Ron Kachman – They are supposed to have no more than 25 that's what the parking requirements are based upon, what they gave us as being no more than 25 at any given time.

Assistant Secretary Smith – So this is basically just for teach small classes and small seminars?

Mr. Ron Kachman – Right it's a small community type center for these people.

Vice Chair Kupiec – You say 25 people at any given time will be the maximum in the facility?

Mr. Ron Kachman – Yes that's what we were told that's what we based on parking on.

Vice Chair Kupiec – And will this be once a day or more than once a day?

Mr. Ron Kachman – It's not a constant 25 people there all the time it's a come and go. They might have a session in the afternoon and they'll have 20 people it's more of per session or per schooling that they'll have that many.

Vice Chair Kupiec – Well that was my question I guess how many times a day do you anticipating this happening, two or three times a day?

Mr. Ron Kachman – Probably a couple of times a day at the most.

Vice Chair Kupiec – Will there be an onboard staff there?

Mr. Ron Kachman – There will be three church members there most of the time.

Vice Chair Kupiec – And how long will their shift training last?

Mr. Ron Kachman – I think its a couple hour session.

Vice Chair Kupiec – So this will not be used for a religious church?

Mr. Ron Kachman – No, just training and school it's come and go they help people with their English, passports, driver's training. All the things that will help their members acclimate themselves to our society.

Vice Chair Kupiec – And the plans are only for the front building you're not utilizing any in the rear?

Mr. Ron Kachman – No, just the front building the back ones are already being somewhat occupied by other facilities, there's an auto repair and storage, plumbing supply back there.

Vice Chair Kupiec – How about the parking in the summer?

Mr. Ron Kachman – We still have plenty of parking when we originally went in we had enough parking for that back building, we actually have 53 parking spaces for the front facility.

Vice Chair Kupiec – Will the activities, youth activities, where dancing and music is played?

Mr. Ron Kachman – No, it's a Muslim type community.

Vice Chair Kupiec – The petition requested waiving the requirement for a wall?

Mr. Wuerth – I believe so yes.

Mr. Ron Kachman – It's directly behind the other building, we have a 266 foot long building its three feet from the property line. We have put a greenbelt all the way up to the front up to the building, but we are going to request a variance behind the building because right now even the church uses it there's no fence behind it. If we put a wall up there it will be three feet from the back of a concrete block wall. The rest all the way to the front we will have an 8 foot greenbelt as the city requires.

Vice Chair Kupiec – So the wall will come to the end of the greenbelt going back to the south?

Mr. Ron Kachman – It will run from the front, the building that is there will be a 8 foot greenbelt per code. From that point to the back of the building, the 260 feet in length along that east property line is where we are going to request a variance because you'll have a wall and then you'll have a block wall that far away. When we put our six foot poured wall in the back it's going to be three feet away from that wall. That's why we are going to ask the church if it's alright to leave it the way it is right now because that's the way they have it now and that's where their community building is and it faces that wall.

Vice Chair Kupiec – There's a wooden fence there now right?

Mr. Ron Kachman – No there's nothing there right now, it's all open, all along that 266 feet. They stopped their fence at the beginning of our building and that's where we are going to take our greenbelt up to that point. Then from the back point on they carry on again and we carry on again, but that's not part of this property our property ends right at the southern portion of that building.

Vice Chair Kupiec – Are you buying or leasing the property?

Mr. Ron Kachman – They already own the property they own that whole section including the maintenance garages in the back.

Vice Chair Kupiec – So they own the whole complex?

Mr. Ron Kachman – The owner Anton Kosho owns that whole half, he actually owns two lots he owns the back building and he owns the front building. And across the street on the other side of University Drive, to the west, his friend owns.

Vice Chair Kupiec – Back where the bank is at?

Mr. Ron Kachman – There's a building right there near where the back is at, that is another two parcels that is owned by his partner. My client owns the east side of University Drive from 12 Mile Road all the way back to the shopping center where the fence ends going in to the shopping center.

Vice Chair Kupiec – But at this time they are only intending to use the building for the community center?

Mr. Ron Kachman – Right, all that we are going to use is the front 6000 square feet.

Commissioner Pryor – Is this going to be religious education?

Mr. Ron Kachman – Yes.

Commissioner Pryor – With the situation that's in the world right now I'm very much concerned about religious education in the Muslim faith.

Mr. Ron Kachman – It's a small Bangladesh Muslim community. They have five priests and they educate people of their congregation and that's what they want to use that building for.

Commissioner Pryor – Siranine verse five says to slay the pagans the infidels the Christians and the Jews and this is one thing that is concerning me because Osama Bin Laden he has a way--.

Chair Howard – Commissioner Pryor respectfully sir, if we could reserve our comments to that concerning the site plan.

Commissioner Pryor – I'm sorry, I'm much concerned because the world has a situation right now that is difficult.

Chair Howard – Mr. Hunt did bring up a question that I did have because probably not six months ago, Mr. Wuerth will have to answer this question, there was a site plan brought before us regarding a used car lot at this same facility.

Mr. Ron Kachman – No across the street.

Chair Howard – Mr. Wuerth are we talking about the same property?

Mr. Ron Kachman – The front was always a new car lot.

Mr. Wuerth – The site plan that you heard a few months ago is directly across the street or to the west of this property and it's for a used car lot in a small kiosk building that they are going to build there, so it is different. Its two separate properties and they are separated by Universal Drive, with two separate owners.

Chair Howard – We do want to be clear because it seemed that we just approved this for something else so I wanted to make sure.

Chair Howard – So on this particular site we have a small Bangladesh population it's not going to be used for religious use, we are looking at two services per day with a maximum of 25 people?

Mr. Ron Kachman – Correct.

Chair Howard – Mr. Wuerth you indicated in item number three, the access agreement for the private street, is that going to be recorded with the Macomb County Register of Deeds, what would you like sir?

Mr. Ron Wuerth – It's going to be the standard language that we use, it will be a recorded document.

Mr. Ron Kachman – I haven't seen a title commitment from my client so there might already be something in place because they have been using it for 30 years. Once I seen that I had my client get an updated title policy so we can see whether it's already in there, it might have been recorded many years ago.

Chair Howard – The last question was regarding the bond amount of \$1200.00 dollars, Commissioner Rob do you agree with the \$1200.00 bond?

Commissioner Rob – Yes I agree with that.

Chair Howard – Vice Chair Kupiec do you support that sir?

Vice Chair Kupiec – Based on the limited knowledge provided by the petitioner I would say yes.

Mr. Ron Kachman – I’m in agreement because originally when we were calculating we didn’t calculate the greenbelt and we didn’t calculate the dumpster enclosure and I know the dumpster enclosure is around \$10,000.00 dollars.

Chair Howard – That was a motion by Commissioner Rob, supported by Vice Chair Kupiec, Mr. Secretary?

ROLL CALL:

The motion carried unanimously as follows:

Commissioner Rob.....	Yes
Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes

8. CORRESPONDENCE

- A. Second request – communication from the Planning Commission to the City Council Secretary, Scott Stevens, requesting a response.

MOTION:

A motion was made by Secretary McClanahan to receive and file, supported by Vice Chair Kupiec. A voice vote was taken and the motion carried unanimously.

Chair Howard – According to our last correspondence we were going to submit that at our next meeting March the 9<sup>th</sup> and we will look at any additional correspondence that need to be submitted in regards to this.

- B. Michigan Municipal League On-site training seminar.

Chair Howard – Each one of us has received an invitation to come to this training which will be taking place on March 25<sup>th</sup> at 7:00 p.m., at the Community Center.

MOTION:

A motion was made by Secretary McClanahan to receive and file, supported by Vice Chair Kupiec. A voice vote was taken and the motion carried unanimously.

Chair Howard – Those of us who are participating they need a R.S.V.P. by March the 12<sup>th</sup>.

Ms. Caitlin Murphy – Please R.S.V.P. we are very excited about it. Last week Roxanne and I spoke to a couple of the speakers and we think it's going to turn out to be really informative.

- C. E-Mail from Patricia Sullivan regarding absence of February 9, 2015 Meeting.

MOTION:

A motion was made by Commissioner Rob to receive and file, supported by Assistant Secretary Smith. A voice vote was taken and the motion carried unanimously.

9. BOND RELEASE  
None at this time.

10. OLD BUSINESS

- A. MINOR AMENDMENT TO APPROVED SITE PLAN FOR SEASONAL OUTDOOR SALES AREA AND WIDENED SIDEWALK AREA; East side of Dequindre Road, approximately 390 feet north of Twelve Mile Road; 29300 Dequindre Road; Section 7; Produce Palace International (Kerm Billette); the petitioner proposes to expand the size of the outdoor sales area.  
**Rescheduled from 2-2-15.**

Chair Howard – Mr. Billette I thought this was a tabled item, we're here.

Mr. Billette – I was going to get a sleeping bag. This petition is from Produce Palace on Dequindre north of 12 Mile Road on the east side. The revised site plan for this was submitted February 19<sup>th</sup> and is going to the Board of Appeals March 11<sup>th</sup>. The original site plan was completed in May of 2014 and it was a site plan that approved the old site plan that was out of date and had errors on it. I made the new site plan to show the portico out in front and revised the parking. I still used the figures for the parking area that were put on the original. The restaurant Opa Restaurant out in front has a new figure for parking spaces and the site plan presently has a revision to show the generator in the back of the building. Total parking spaces are to be presented to the Board of Appeals for their recommendation.

The site plan has been revised and will show also parked in there two storage trailers and they are to be considered as part of the total floor area for the site, which required revisions to the parking. The parking required four more spaces to be waived by the Board of Appeals. The parking now is separated into two categories one for the permanent parking and one for the parking that is required to be waived when the outdoor sales are in progress that would be approved by the Board of Appeals for the length of time.

We have some request made by Mr. Wuerth for the site plan to include the variances to be requested by the Board of Appeals. The driveway into the property comes from Dequindre Road in two places, next to the restaurant and the north end adjacent to the apartments. We provided the revised site plan and it includes unlimited excess to the adjacent property. Unrestricted vehicle access is provided by Produce Palace to the adjoining property on May 21<sup>st</sup>, 1996 and that still stands today. The drug store next door, Rite Aid, will not make any agreements only the property owner will and the property owner says he's leasing it to Rite Aid and they won't make any agreements. I believe everything has been changed on here that had to be. We revised the schedule for parking, and we've also showed both trailers in the alley, the generator, and the compactor. If there are any questions the owner Ms. Katz is here to answer any questions about the business itself.

Chair Howard – Mr. Billette if you will allow us sir we are going to take a quick five minute break only because we have one Commissioner that's out and we can't continue the hearing without a full quorum.

At 9:12 p.m., meeting stands in recess.

At 9:18 p.m., meeting resumes.

Chair Howard – Thank you so much for your patience we are going to resume, Mr. Billette if you could conclude your comments sir.

Mr. Kerm Billette – We found out that the drawing I submitted Friday are not included you're using the old drawings you don't have the drawings on there that show the two tractor trailers parking in the alley so we'll have to go to March?

Chair Howard – March 9<sup>th</sup> is the next scheduled meeting day. We do not have the current drawings we have the old drawings so I'll have our Secretary read your letter into the record and then I'll take a motion to table until March 9<sup>th</sup>.

Secretary McClanahan – Dear Mr. Wuerth, please table this item site plan approval for Produce Palace 29300 Dequindre Road from February 23<sup>rd</sup>, 2015 until March 9<sup>th</sup>, 2015. Reason being the two semi trailers are to be relocated to the east driveway against the building. I will notify the manager of Produce Palace of this change. Respectfully Submitted, Kerm Billette.

MOTION:

A motion was made by Commissioner Rob to table until March 9<sup>th</sup>, 2015, supported by Assistant Secretary Smith. A voice vote was taken and the motion carried unanimously.

- B. MINOR AMENDMENT TO APPROVED SITE PLAN FOR SEASONAL OUTDOOR SALES TENTS: Located on the south side of Fourteen Mile Road approximately 645 feet west of Hollingsworth Avenue; 6500 Fourteen Mile Road; Section 4; Brian Lack (Michael Rupert). The minor amendment is for tent enlargement and relocation.

PETITIONERS PORTION:

Mr. Dan Longo – I’m Dan Longo for Art Van Furniture my address is 39259 Tunstall Drive, Clinton Township, Mr. Lack could not be here tonight so I will be here representing. We are looking for an amendment to our annual tent sale that we have located in the front of our location. We decided that we might want to freshen up the event so we were looking for the approval.

Secretary McClanahan reads the following correspondence:

- TAXES:** No Delinquent Taxes.
- DTE:** Approved.
- ENGINEERING:** Approved.

Mr. Wuerth reads the recommendation of the Staff:  
Numbering is incorrect 3 is 2, and 4 is 3.

MOTION:

A motion was made by Commissioner Vinson to acknowledge minor amendment, supported by Vice Chair Kupiec.

ROLL CALL:

The motion carried unanimously as follows:

Commissioner Vinson.....	Yes
Chair Howard.....	Yes

Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Assistant Secretary Smith.....	Yes

Chair Howard – So we are recognizing this as a minor amendment to your existing site plan, now I need a motion approving this minor amendment.

MOTION:

A motion was made by Commissioner Rob to approve, supported by Commissioner Pryor.

ROLL CALL:

The motion carried unanimously as follows:

Commissioner Rob.....	Yes
Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes

Chair Howard – And we are making this recommendation based on the corrections that Mr. Wuerth did put forth.

11. NEW BUSINESS

- A Letter to the Administration requesting that the Planning Director be named one of the alternate representatives for the City of Warrant to SEMCOG.

Chair Howard – At our Budget Meeting on February the 9<sup>th</sup> we did talk about the SEMCOG budget is carried in the Planning Department and I know that the Mayor is the representative there but we’d like to send a letter regarding Mr. Wuerth being one of the alternate representatives at the SEMCOG Meetings.

Mr. Wuerth – Currently the Mayor is the representative he does have an alternate his name is Sean Clark but they do indicate there can be as many alternates as one wants or representatives as one wants. So in there could be room for another that being the

Planning Director, myself. It would take a letter request to the Administration the Mayor in particular to see if he would approve that.

MOTION:

A motion was made by Vice Chair Kupiec requesting Mr. Wuerth to be one of the representatives at SEMCOG, supported by Commissioner Vinson.

ROLL CALL:

The motion carried unanimously as follows:

Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes

- B. Letter requesting By-Law Committee to meet the week of February 23, 2015.

MOTION:

A motion was made by Commissioner Vinson to amend the by-laws so that item 6 the Planning Director’s Report be moved from 6 to item 12, supported by Secretary McClanahan.

ROLL CALL:

The motion carried unanimously as follows:

Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Assistant Secretary Smith.....	Yes

Commissioner Vinson – Let me make a clarification, to amend the by-laws you have to have this reading today and passed by six Commissioners and then at the next meeting it will be a by-law amendment.

C. Budget Report.

Chair Howard – 11C is a new item that we added at the beginning of the agenda. The Budget was submitted to Administration and Mr. Wuerth would like to speak on that.

Mr. Wuerth – There were a few items that the Administration had questions about the first one had to do with the Planning Technician and the current wage that person is being paid, which is \$25.00 dollars per hour. That's Sherry Carroll and she's working approximately 20 hours a week they feel that pay amount should be lowered to \$20.00 to as low as \$15.00 dollars per hour so that was one request.

The second request was to provide our Secretary Judy with an increase and there was some question about that, they weren't sure they were going to go along with that request. Mostly because they felt that the Secretary's wage being if it were approved being higher than the Assistant Planners wage. That's when they brought in the rate for the Assistant Planner and there was discussion about why I hadn't asked for an increase in that. I responded that amount is through the Civil Service Board and there would have to be a request made to increase that amount and I haven't any idea what that would be. So if indeed they want to pursue that then I'd have to know from them what that amount would be.

Chair Howard – Can you make a recommendation sir or is that in line with the Civil Service rate?

Mr. Wuerth – Civil Service rates and I have no idea what that is that's all new to me regarding that rate.

Chair Howard – Are you going to lose a couple of people?

Mr. Wuerth – I don't know, I'm not sure what the result will be when the Planning Technician is informed that there will be a change in rate, which would begin July 1<sup>st</sup> for the next budget. So from now until then the rate stays the same. So I've had my meeting with the Administration, I'm reporting to you the Planning Commission. I guess you direct me to try and respond to this and move forward with it or perhaps some Planning Commissioners would meet with the Administration also to discuss these changes. Because these

changes and I'm not sure how they will work themselves out what will eventually be presented before City Council.

Chair Howard – So is it possible Mr. Wuerth that on our next meeting on March the 9<sup>th</sup> that you can present to us in writing so we will be able to see what we really are looking at if Ms. Carroll should go from \$15.00 to \$25.00 and the number of hours working. Then if we need to pursue that further then, we will have that in our packet.

Mr. Wuerth – I'll ask and find out if they will have the changes proposed in the budget available so that I can present it to the Commission.

Chair Howard – When do you go before City Council for your budget sir?

Mr. Wuerth – That date has not been provided yet it could be in May so there is time to talk about this before it goes to them.

Chair Howard – If we can possible have that in hand by our next meeting and how it would affect your department and your day to day activities I think that would be helpful.

Mr. Wuerth – By all means I'll see what I can do. I'm sorry to inform the Commission that Roger Vandenabeele has left service so he's no longer with the department. I'm in the process of replacing him with another work study student from Macomb Community College.

Chair Howard – So you're down an additional person in the office?

Mr. Wuerth – We are right now yes.

Chair Howard – And how soon do you think you'll be able to replace someone and get them up to speed. Are you thinking 30 or 60 days?

Mr. Wuerth – There's training involved, that always happens, so we just hope for the best in the type of student that I get to interview. Right now they are preparing a list of candidates and I'll take a look at them, interview, and then hire someone. To bring them up to date, well, we have a pretty good staff that can help that person become fully functionable.

Chair Howard – And Dewan that's currently in your office, he will be there for how long?

Mr. Wuerth – He is part of the work study group, but he's also part of the City of Warren employment, I set that up. So when he's not work study then he's paid full time by the City of Warren.

Vice Chair Kupiec – Mr. Wuerth regarding the first two positions without talking about any names, one was a part time and one is obviously a full time, one they are recommending a decrease in wage and one they are recommending an increase is that what you said?

Mr. Wuerth – No, it's the Planning Technician that's Sherry Carroll and the proposal by Administration was to lower her rate, her hourly rate from \$25.00 dollars down to either \$20.00 or \$15.00 dollars an hour. And then there was some discussion, I'm not sure what they are intending to do but that was to raise the rate of the Assistant Planner to a rate that would be higher than the Secretary's. Then there was some question about whether they wanted to provide a rate increase for our head Secretary Judy.

Vice Chair Kupiec – What my question was leading up to is are either of these positions or both of these positions controlled by the Union?

Mr. Wuerth – As far as the Secretary she's in the 1250 Union the Assistant Planner is also in the 1250.

Vice Chair Kupiec – So these would be negotiated by the Union wouldn't they so all we're doing basically is putting a number out there in case there is an increase or decrease?

Mr. Wuerth – I'd like to answer your question but I don't know the answer, I'll have to find out from the Administration on how this is handled.

Vice Chair Kupiec – What the Chair is recommending is something in writing so we can look at what we are talking about because I'm lost. I always thought these positions were handled by the Union and by Human Resources Department in negotiations.

Chair Howard – I think if we have a clear picture as to what your office is missing and what their proposal is then I think we'll have a clear direction. If it's a Union proposal then the Union would take care of that if it's a suggestion or recommendation on our part at least we'll have it before us.

Mr. Wuerth – I'll speak to the City Controller, Budget Director and Human Resources and get a clear view on how this is all going to work out. I'll report back March 9<sup>th</sup>.

12. CITIZEN PARTICIPATION

No one came forward at this time.

13. CALENDAR OF PENDING MATTERS

Chair Howard – At our last meeting on February 9<sup>th</sup> we did talk about our Master Plan going forward and we were going to look at some dates. And I do want to say for the record that I appreciate the notes when the items were tabled and the notes from the prior meeting so we can refresh ourselves on what was said and I thought that was absolutely wonderful. Going forward with the Master Plan I believe we were speaking of possibly either in our additional meetings that we can have those additional conversations regarding the Master Plan, but I believe we were looking also to have that initial launch meeting to get that process going, how are we coming with that sir?

Mr. Wuerth – Well here I am again in a dilemma, with less help and anywhere from 12 to 14 items for the March 9<sup>th</sup> Meeting so we are going to be busy with that. I can't really nail down anything at this time I'm busy with site plan approvals and all the other things that we have to work with including next meeting we'll have the Parks and Recreation Plan for review and approval. So that in itself is going to take time to review so I don't have an answer for you.

Chair Howard – I know at the end of the year there was a option there with the RFQ verses the RFP do we want to pursue that option and see where we are?

Mr. Wuerth – Madame Chair I don't have much communication with the Council Secretary at this point and time so it's been difficult to arrange anything.

Chair Howard – Who is on that committee?

Mr. Wuerth – The Master Plan Committee you've got John Kupiec, Syed Rob, Warren Smith, and you as the alternate. Now there's the other committee that we all met a while ago I'll have to get the names again. It's a little confusing at this point because Council is in control of the funding to go to that and like I said there's a problem with communication.

Chair Howard – We are going to have to see if we can move forward with that and I understand your dilemma currently but we are moving

into March so I'm going to open the floor for discussion. Mr. Wuerth is indicating there is some difficulty in reaching out to the Council Secretary. So do we suggest a letter from this Board on how we go forward and proceed?

Commissioner Rob – I think there are some training sessions. There is a training session for the Master Plan in Detroit the flyers were given to us.

Ms. Caitlin Murphy – I think the best way to proceed is to have a meeting of the sub-committee on the Master Plan. I have an opinion that we sent out December 9<sup>th</sup>, 2013. My colleague, Annette Gattari-Ross wrote it, it's detailing the Master Plan. So I'll go ahead and pass that out to all the members and I would suggest because of the State law that the Master Plan Committee officially meet. When it is possible Ron, I know that you have some difficulties in staffing right now, but they should meet.

Assistant Secretary Smith – I was just thinking maybe as the sub-committee for the Master Plan the four of us should try and get together with Council Secretary and try and get something moving.

Chair Howard – I think that's wise, Mr. Wuerth I know you have staffing issues what about your availability, as far as time, is it more conducive for you in the evening?

Mr. Wuerth – Well we can get some dates.

Chair Howard – Let's propose some dates and then we can send emails out to secure those dates.

Mr. Wuerth – I would suggest next week sometime next week.

Chair Howard – Can we propose Wednesday the 4<sup>th</sup> or Wednesday the 11<sup>th</sup> at 4:00 p.m.?

Mr. Wuerth – Yes I can set up the meeting.

Chair Howard – Some of our Commissioners may not have their calendars this evening so can we confirm with Judy in the office by tomorrow on which date works best? And Ron can notify our two Ex-Officio's Kelly Colegio and also Scott Stevens about being in that meeting as well.

Vice Chair Kupiec – This will be a sub-committee meeting?

Chair Howard – Yes sir.

Ms. Caitlin Murphy – You might also want to contact the ZBA Members.

Mr. Wuerth – The Zoning Board has a meeting on the 11<sup>th</sup> so we will have to look at the 4<sup>th</sup>.

Chair Howard – Alright let's look at the 4<sup>th</sup> and confirm that tomorrow.

Assistant Secretary Smith – That's fine with me.

Commissioner Rob – That would be fine four o'clock or four thirty.

Vice Chair Kupiec – That should be okay.

Chair Howard – At least we'll get the agenda rolling. If we have to look at RFQ verses RFP we know you're short on staff so we want to be sensitive to that as well.

Mr. Wuerth – I did speak to the Purchasing Agent regarding one or the other and where the process has gone and he has no knowledge whatsoever he hasn't had communication with the Council Secretary either. So it just seems like everything is on hold we need to move forward here.

Chair Howard – Well we will start here on the 4<sup>th</sup> and go forward from there.

Vice Chair Kupiec – To the Commissioners in the Special Meeting on February 9<sup>th</sup> that we held I made a comment about this Master Plan and some history about it. So if can take the time to look at your minutes on the third page I had some discussion regarding what I had seen over the past five or six years and how it relates to us. For sure read the information that the Attorney's Office gave us tonight because there is a lot of responsibility involved in this and as we are hearing tonight it's a difficult to get all concerned parties involved. As far as I'm concerned it's a very important item.

Chair Howard – Mr. Wuerth will you confirm with us which room we'll be meeting and if it will be here or at City Hall on March 4<sup>th</sup>?

Mr. Wuerth – Yes, I'm hoping we will be able to secure a meeting room at City Hall.

14. ADJOURNMENTMOTION

A motion was made by Commissioner Vinson, supported by Assistant Secretary Smith. A voice vote was taken and the motion carried unanimously.

The meeting adjourned at 9:58 p.m.

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Jocelyn Howard, Chair

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Jason McClanahan, Secretary

Meeting recorded and transcribed by  
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